



Frederick L. Cottrell, III  
Director  
302-651-7509  
[Cottrell@rlf.com](mailto:Cottrell@rlf.com)

November 21, 2018

**BY CM/ECF AND HAND DELIVERY**

The Honorable Richard G. Andrews  
United States District Court  
District of Delaware  
844 North King Street  
Wilmington, DE 19801-3555

**Re: *Bio-Rad Laboratories, Inc. v. 10X Genomics, Inc.*, C.A. No. 15-152-RGA**

Dear Judge Andrews:

I write on behalf of the parties to submit the proposed form of the post-trial motion briefing order. The parties agree on the dates for the briefing, an interim stay of execution of judgment without a security, and to sever and stay a determination of ongoing royalties pending any appeal. The parties did not agree on the page limits for the post-trial motions, and have indicated their respective positions in brackets above.

**Plaintiffs' Statement:** The local rule page limits should apply to the parties' motions. Plaintiffs intend to file three motions: (1) a motion for permanent injunction; (2) a motion for post judgment monetary relief, including pre and post judgement interest and an accounting; and (3) a Section 285 motion. Each of these motions involves different issues and relief and 10X has cited no basis for why Plaintiff should be limited to one 30 page brief for all three motions.

**10X Genomics' Statement:** 10X submits that a total of 75 pages of post-trial briefing per side is appropriate to address the issues remaining in the case. Plaintiffs can present their various interest, injunction, and enhancement arguments within 30 pages, and do not need separate 20-page opening briefs for each motion they intend to raise. Similarly, given the number and significance of the issues in the case and their relatedness, 10X would present its Rule 50 and 59 motions in a single opening brief of 30 pages, instead of separate 20-page opening briefs. A mutual limit of 30-30-15 pages per side is consistent with the Court's practice in other patent cases. *See, e.g., E.I. DuPont v. Unifrax LLC*, C.A. No. 14-1250-RGA (D.I. 351); *Nox Medical EHF v. Natus Neurology, Inc.*, C.A. No. 15-709-RGA (D.I. 282).

Counsel is available at the Court's convenience if the Court has any questions concerning this matter.



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Respectfully,

*/s/ Frederick L. Cottrell, III*

Frederick L. Cottrell, III (#2555)

FLC,III/afg

Attach.

cc: All Counsel of Record (via CM/ECF and email)